

**Congress of the United States**  
**Washington, DC 20515**

November 13, 2020

Ms. Emily Murphy  
Administrator  
General Services Administration  
1800 F Street, NW  
Washington, DC 20405

Dear Administrator Murphy:

In light of reports that you, as the Administrator of the General Services Administration (GSA), have not yet signed the letter of “ascertainment” to commence the presidential transition process, I am writing to urge you to do so and to highlight the grave national security implications of withholding that certification of the election.

According to the Presidential Transition Act of 1963, the GSA Administrator must sign the letter of “ascertainment” in order to release transition funding and allow the incoming administration access to the officials, agencies, and resources within the current administration.<sup>1</sup> As you know, Joe Biden has been near-universally recognized as the winner of the 2020 election since Saturday, November 7<sup>th</sup>.<sup>2</sup> Despite these clear acknowledgments of former Vice President Joe Biden and Senator Kamala Harris’ victory, you have refused to sign the letter initiating transition proceedings.

The GSA withholding the certification of the election has serious national security implications. After the GSA begins the transition process, intelligence documents and officials become available to the incoming administration to adequately prepare them for their new roles. The Presidential Transition Act of 1963 states that summaries on military and covert operations “shall be provided to the President-elect as soon as possible after the date of the general elections.”<sup>3</sup> In addition, after the GSA signs the letter of ascertainment, a norm has been established since 1968 that the president authorize the president-elect to receive the Presidential Daily Briefing.<sup>4</sup> The transition process also allows the president-elect to submit candidates for national security positions to the FBI for background checks, of which the agency is directed to “undertake and complete as expeditiously as possible.”<sup>5</sup>

The delay of these logistical processes and resources may have serious implications for the Biden Administration’s ability to successfully begin its role in protecting the United States against

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<sup>1</sup> [Trump appointee slow-walks Biden transition. That could delay the president-elect's Covid-19 plan.](#) *NBC News*. November 9, 2020.

<sup>2</sup> [Biden Wins Presidency, Ending Four Tumultuous Years Under Trump.](#) *New York Times*. November 7, 2020.

<sup>3</sup> [The GSA’s Delay in Recognizing the Biden Transition Team and the National Security Implications.](#) *Just Security*. November 10, 2020.

<sup>4</sup> [How Trump’s Refusal to Concede Affects Biden’s National Security Transition.](#) *New York Times*. November 9, 2020.

<sup>5</sup> [The GSA’s Delay in Recognizing the Biden Transition Team and the National Security Implications.](#) *Just Security*. November 10, 2020.

national security threats. For example, the 9/11 Commission Report noted that the 36-day delay for the presidential transition process may have “hampered the new administration” in setting up their national security staff.<sup>6</sup> It is specifically stated within the Presidential Transition Act of 1963 that “any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people.”<sup>7</sup> Congress placed the decision to begin the presidential transition in the hands of GSA because it believed that “the decision was ministerial, not political, in nature.”<sup>8</sup>

In light of these issues, please provide the following information:

1. At what point will the GSA be satisfied with the electoral results and sign the letter of ascertainment to begin the presidential transition process within the intelligence community?
2. Are you aware that a delay in the presidential transition process may have national security implications?
3. Given that there is now a delay in the presidential transition process, what will the GSA do in order to expedite the transfer of national security information and documents to the Biden Administration once the letter of ascertainment is signed?

Please provide responses to my aforementioned requests by November 24<sup>th</sup>.

Sincerely,

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Raja Krishnamoorthi  
Member of Congress

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<sup>6</sup> Ibid.

<sup>7</sup> [Implementation of the 1963 Presidential Transition Act](#). *Brookings Institute*. December 4, 2020.

<sup>8</sup> [Implementation of the 1963 Presidential Transition Act](#). *Brookings Institute*. December 4, 2020.